IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6398 OF 2005

Dhananjay Suryakant Gaikwad ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri Uday Warunjikar for the Applicant.
Ms Rajeshree Gadhvi, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 04, 2005.

P.C.:

1. The learned Advocate appearing for the Applicant and the learned A.P.P. for the State. Offence registered against the Applicant and co-accused is under sections 395, 363 read with section 34 of the Indian Penal Code. The first informant and other eye-witnesses have not named the Applicant. The first informant could not identify the Applicant in the Test Identification Parade. Prima facie, the version of the first informant appears to be inconsistent with the version of his friend who according to the first informant is also a victim of the accident. The friend of the first informant Amitkumar has alleged that the first informant was abducted. However, same is not the version of the first informant. As stated earlier, the Applicant has not been identified in the Test Identification Parade. Considering these factors, only on the ground of alleged recovery of the motorcycle at the instance of

the Applicant, he could not be denied bail after completion of investigation.

2. Moreover, the age of the Applicant is about nineteen years. Hence, case is made out for enlarging the Applicant on bail.

3. Hence, I pass the following order:

: O R D E R :

i) The Applicant shall be enlarged on bail in connection with **C.R.No.165 of 2005 registered with Sahakar Nagar Police Station**, Pune, subject to furnishing a personal bond of **Rs.15,000/-** with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant will report to the Investigating Officer once in the fortnight till the conclusion of the trial.

iii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the

prosecution evidence.

iv) The Applicant shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicant to delay the trial may be a ground for cancellation of bail.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

JUDGE